

**ASSEMBLY BILL**

**No. 2287**

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**Introduced by Assembly Member Pan**

February 21, 2014

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An act to amend Section 49430.7 of the Education Code, relating to school nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2287, as introduced, Pan. Free and reduced-price meals: gluten-free meals.

(1) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school or school district to be reimbursed \$0.2229 for free and reduced-price meals sold or served to pupils. To qualify for this reimbursement, a school or school district is required, and a child development program is encouraged, to comply with specified nutrition-related prohibitions and requirements, among which is a prohibition against selling or serving a food item containing artificial trans fat.

This bill would require a school or school district, and would encourage a child development program, to provide a gluten-free meal option in order to qualify for that reimbursement. By requiring schools and school districts to satisfy new requirements for free and reduced-price meals, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 49430.7 of the Education Code is  
2 amended to read:

3 49430.7. (a) For purposes of this section, the following terms  
4 have the following meanings:

5 (1) "School" means a school operated and maintained by a  
6 school district or county office of education, or a charter school.

7 (2) "School district" means a school district, charter school, or  
8 county office of education.

9 (3) "Child development program" means a program operated  
10 pursuant to Chapter 2 (commencing with Section 8200) of Part 6  
11 of Division 1 of Title 1.

12 (b) As a condition of receipt of funds pursuant to Section  
13 49430.5, commencing with the 2007–08 fiscal year, for meals and  
14 food items sold as part of the free and reduced-price meal  
15 programs, a school or school district shall comply with all of the  
16 following requirements and prohibitions:

17 (1) Follow the United States Department of Agriculture (USDA)  
18 nutritional guidelines or the menu planning options of Shaping  
19 Health as Partners in Education developed by the state (SHAPE  
20 California network).

21 (2) Not sell or serve a food item that has in any way been deep  
22 fried, par fried, or flash fried by a school or school district.

23 (3) Not sell or serve a food item containing artificial trans fat.  
24 A food item contains artificial trans fat if it contains vegetable  
25 shortening, margarine, or any kind of hydrogenated or partially  
26 hydrogenated vegetable oil, unless the manufacturer's  
27 documentation or the label required on the food, pursuant to  
28 applicable federal and state law, lists the trans fat content as less  
29 than 0.5 gram per serving.

30 (4) Not sell or serve a food item that, as part of the  
31 manufacturing process, has been deep fried, par fried, or flash fried  
32 in an oil or fat that is prohibited by this paragraph. Oils and fats  
33 prohibited by this paragraph include, but are not limited to, palm,

coconut, palm kernel, lard, typically solid at room temperature and are known to negatively impact cardiovascular health. Oils permitted by this paragraph include, but are not limited to, canola, safflower, sunflower, corn, olive, soybean, peanut, or a blend of these oils, typically liquid at room temperature and are known for their positive cardiovascular benefit.

*(5) Provide a gluten-free meal option.*

(c) Commencing with the 2007–08 fiscal year, for meals and food items sold as part of the free and reduced-price meal programs, a child development program is encouraged to comply with all of the following guidelines:

(1) Meet developmentally and programmatically appropriate meal pattern and meal planning requirements developed by the USDA or menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network).

(2) Not sell or serve a food item that has in any way been deep fried, par fried, or flash fried by a school, school district, or child development program.

(3) Not sell or serve a food item containing artificial trans fat. A food item contains artificial trans fat if it contains vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 gram per serving.

(4) Not sell or serve a food item that, as part of the manufacturing process, has been deep fried, par fried, or flash fried in an oil or fat prohibited by this paragraph. Oils and fats prohibited by this paragraph include, but are not limited to, palm, coconut, palm kernel, lard, typically solid at room temperature and are known to negatively impact cardiovascular health. Oils permitted by this provision include, but are not limited to, canola, safflower, sunflower, corn, olive, soybean, peanut, or a blend of these oils, typically liquid at room temperature and are known for their positive cardiovascular benefit.

*(5) Provide a gluten-free meal option.*

(d) The prohibitions and requirements of this section regarding food items sold or served by a school or school district apply to raw bulk USDA commodity foods ordered by schools or school districts and sent to commercial processors for conversion into

1 ready to use end products, but do not apply to other USDA  
2 commodity foods until the scheduled 2009 reauthorization of the  
3 USDA National School Lunch Program is complete or ingredient  
4 and nutrition information is available for all USDA commodity  
5 foods, whichever is earlier.

6 (e) As a condition of receipt of funds pursuant to Section  
7 49430.5, by no later than June 30, 2008, and annually thereafter,  
8 schools and school districts shall provide the department with an  
9 annual certification of compliance with the provisions of this  
10 section.

11 (f) This section shall become operative only upon an  
12 appropriation for its purposes in the annual Budget Act or another  
13 statute.

14 SEC. 2. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.